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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/277,171 03/26/99 BROWNE

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EXAMINER

HAVAN, T

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

02/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

MS

Office Action Summary

Application No.

09/277,171

Applicant(s)

BROWNE, CAMERON BOLITHO

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Drawings

The drawings in this application are objected to by the Draftsperson as informal. Any drawing corrections requested, but not made in the prior application should be repeated in this application if such changes are still desired. If the drawings were changed and approved during the prosecution of the prior application, a petition may be filed under 37 CFR 1.182 requesting the transfer of such drawings, provided the parent application has been abandoned. However, a copy of the drawings as originally filed must be included in the 37 CFR 1.60 application papers to indicate the original content.

Information Disclosure Statement

1. The IDS disclosure declared under 37 C.F.R. 1.68 is acknowledged.
2. The application references have been taken into consideration for examination, but that any references on the IDS statement itself are printed on an issued patent which might ensue, and they become public documents at that point. The references in this case are thus not appropriate for printing, and so have not been considered as printed prior art in the sense reserved for a formal IDS statement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (US patent no. 5,861,891).

1. As to claims 1, 24, and 29-30, the prior art Becker had:

A.) The step of providing a plurality of shape elements, each shape element defining a surface (**col. 3, lines 47-67; col. 4, lines 1-14; fig. 2-4 and 7A**). Figures 2-4 and 7A in Becker clearly discloses the plurality of shapes of a surface.

B.) The step of providing each of the shape elements with an opacity which varies over its surface (**col. 6, lines 34-58; fig. 2-4**). Becker teaches a slider or controller is used to vary the value of the shape elements over its surface. Figures 2-4 of Becker discloses this part of the claim.

C.) The step of arranging the shape elements in an overlapping fashion (**col. 1, lines 31-38; fig. 2-4 and 7A**). The shape elements of Becker are in overlapping fashion. Becker discloses the many overlapping data points in figures 2-4. Therefore, the overlapping data points generate a shaded texture as disclose in figure 7A.

D.) The A computer storage medium bearing one or more computer software programs for execution on a computer, the computer software program or programs including compiled or uncompiled software instructions (**col. 8, lines 28-67; col. 9; fig. 5**).

However, Becker fails to explicitly teach the step of rendering the shade elements for output to a printer or display device. Nevertheless, Becker teaches the invention

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implement in the computer system. Becker does not use the word "printer" but a computer system would include a printer to output images. In figure 1, Becker discloses the displaying of splat plot which is the disclosing of the shade elements for output to a display device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the step of rendering the shade elements for output to a printer or display device because Becker teaches the display of splat plot and the gaussian texture (**col. 1 and 2; col. 8, lines 28-67; col. 9; fig. 1, 5, and 7A**).

2. As to claims 2-6 and 25-26, Becker discloses the limitations in these claims (**col. 1, lines 10-53; col. 3, lines 55-61**) by teaching the various sizes of the glyphs in his invention.

3. As to claims 7-11 and 27-28, Becker discloses the focal point and its location (**col. 3, lines 13-38; col. 4, lines 9-14**). The axis in Becker discloses the focal point. Becker teaches the Gaussian functions, which include the focal point and its location.

4. As to claim 12, Becker discloses the predetermined function is exponential or linear (**col. 6-8; fig. 6**).

5. The limitations of claims 13-23 and 31 are analyzed as discussed with respect to claims 1, 24, and 29-30 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Becker, US Patent No. 6,034,697

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Robotham et al., US Patent No. 6,160,907

Baker et al., US Patent No. 5,363,475

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5359 for regular communications and (703)308-5359 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9500.

Thu-Thao Havan

January 25, 2001


MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600